

## **REMARKS:**

### **I. OVERVIEW**

The Office Action dated May 7, 2008 has been received and carefully considered. Claims 1, and 3-53 are pending in the present application. Claims 1, 16, 27, 29, 40, and 50 have been amended. No claims have been added and no new matter has been added.

Claims 1 and 3-53 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Antell et al., U.S. Patent Publication No. 2004/0123162 (“Antell”), and Nagan et al., U.S. Patent Publication No. 2003/0126049 (“Nagan”). This rejection is respectfully traversed. Reconsideration in light of the following remarks is respectfully requested.

### **II. EXAMINER INTERVIEW**

On July 29, 2008, Applicant and his representatives, held a telephone interview with PTO Supervisor Beth Boswell. The Applicant would like to thank Supervisor Boswell for her assistance and cooperation during the Interview and for taking the time to discuss the Application. Supervisor Boswell participated in the interview because the application will be examined by a new Examiner. At the time of the Interview, Supervisor Boswell had not yet assigned a new Examiner.

In general, the Applicants and his representatives explained the invention and discussed with Supervisor Boswell various possibilities for capturing the invention more clearly in the claim language, specifically how the question set is optimized to comply with the regulatory criteria in the minimum number of sequenced questions. In addition, Applicant’s representatives expressed some frustration to Supervisor Boswell over the piecemeal prosecution that the Application has received to date.

### III. REJECTIONS UNDER 35 U.S.C. § 103(A) TO ANTELL AND NAGAN

Claims 1 and 3-53 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Antell and Nagan. This rejection is respectfully traversed.

#### **Independent Claim 1**

Independent claim 1 recites, *inter alia*, the steps of “determining from the overall question set a basic question set asked of all users, wherein each question of the basic question set is associated with an expected answer and wherein the basic question set comprises the minimum number of sequenced questions the answers to which would be sufficient to meet the regulatory criteria if no unexpected answers are given”, “providing predetermined sequenced criteria for supplementing the basic question set with supplemental additional questions from the overall question set within the sequence of the basic question set, wherein the criteria are structured to minimize the number of remaining questions that must be answered in order to comply with the regulatory criteria”, and “conducting an optimized interactive customer survey, comprising: presenting each question of the basic question set to a user; receiving from the user an answer to each basic question; determining if the received answer is the expected answer for the question asked; upon a determination that the received answer is the expected answer, continuing in the basic question set sequence to the next question in the basic question set; upon a determination that the received answer is not the expected answer, presenting supplemental additional questions based on the predetermined sequenced criteria for supplementing the basic question set and returning to the sequence of the basic question set once the user provides the expected answer to the supplemental additional questions; repeating steps (i) - (v) above until all basic questions and required supplemental additional questions have been asked and answered;

and informing the customer of completion of the survey once the customer provides answers to the minimum number of questions needed to comply with the regulatory criteria.”

Applicants respectfully submit that Antell does not disclose, teach, or suggest the recited elements of claim 1. As the Examiner stated on page 3 of the Office Action, “[n]owhere in the claims can the Examiner find that the basic question set is *asked of all users*.” (Emphasis added). This was the only substantive rejection by the Examiner and this has been rendered moot by the amendments to claims 1, 16, 29, 40, and 50 which now indicate that the basic question set is “asked of all users.” As stated in our previous Response, and agreed with by the Examiner, Antell does not describe a question set where each question is associated with a specific expected answer; rather, Antell describes a method wherein the expected answer is dynamic, and may differ. Antell determines “whether the responses match like information received from a data source(s) that can include personal and/or corporate/business data.” Antell, ¶ [0007]. The questions asked for authentication in Antell are dynamic, and since the basic question set changes, the expected answers change as well. Therefore, Antell does not disclose a basic question set that is asked of all users.

Additionally, the Examiner alleged on page 5 of the Office Action that “claim 1 also has a user answering all of the questions of the basic question set in addition to the supplemental questions.” As detailed in the specification, however, the “supplemental additional questions” are related to the basic question set and are sequenced to minimize the number of supplemental additional questions. *See Application*, ¶¶ [0030], [0055]. These supplemental additional questions are formed from the “predetermined sequenced criteria for supplementing the basic question set” and are planned, not random. They are designed to “return[ the user] to the sequence of the basic question set once the user provides the expected answer.” Thus, for

example, the user may return to the basic question set immediately if the user provides the expected answer to the first supplemental question. This is different and contrasts with the method disclosed in Antell and the Red Cross scenario Supervisor Boswell mentioned during the Interview because both of these references require the user to completely answer a full set of supplemental questions before moving on.

Finally, while Applicant believes that the previously provided claims are clearly distinguishable over both Antell and Nagan for the reasons above and the reasons stated in previous Responses, the claims have been further amended to expedite prosecution and more clearly identify the “gem” of the invention as Supervisor Boswell requested. These amended claims more clearly distinguish the invention over not only the cited prior art, which is marginally relevant at best, but also the more insightful Red Cross blood donation scenario hypothesized by Supervisor Boswell during the Interview. Neither Antell, nor Supervisor Boswell’s hypothetical scenario disclose, teach, or suggest, *inter alia*, the steps of “determining from the overall question set a basic question set asked of all users . . .,” and “providing predetermined sequenced criteria for supplementing the basic question set with supplemental additional questions from the overall question set within the sequence of the basic question set . . .,” and “conducting an optimized interactive customer survey, comprising: . . . informing the customer of completion of the survey once the customer provides answers to the minimum number of questions needed to comply with the regulatory criteria.” Accordingly, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. 103(a) be withdrawn.

### **Claims 3-15**

Claims 3-15 depend on independent claim 1 and must be patentable over the stated references for the same reasons argued regarding claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 3-15 under 35 U.S.C. 103(a) be withdrawn.

#### **Independent Claim 16**

Independent claim 16 recites, *inter alia*, the steps of “displaying . . . at least one question asked of all users having an associated single expected answer . . . selected from an overall question set comprising all possible questions for which answers may be required in order to comply with the regulatory criteria, wherein the at least one question comprises the minimum number of sequenced questions the answers to which would be sufficient to meet the regulatory criteria if no unexpected answers are given.”

The Examiner rejected claim 16 on the same basis as claims 1, and 3-15. The remarks and arguments with respect to claim 1 above are equally applicable to claim 16, and are herein incorporated. Accordingly, Applicant respectfully request that the rejection of claim 16 under 35 U.S.C. 103(a) be withdrawn.

#### **Claims 17-28**

Claims 17-28 depend on independent claim 16 and must be patentable over the stated references for the same reasons argued regarding claim 16. Accordingly, Applicant respectfully requests that the rejection of claims 17-28 under 35 U.S.C. 103(a) be withdrawn.

#### **Independent Claim 29**

Independent claim 29 recites, *inter alia*, the steps of “displaying . . . at least one question asked of all users and having an associated single expected answer . . . selected from an optimum subset of an overall question pool comprising all possible questions for which answers may be required in order to comply with the regulatory criteria, the optimum subset including only an

optimized set of sequenced questions, wherein the optimized set of sequenced questions comprises the minimum number of questions the answers to which would be sufficient to meet the regulatory criteria if no unexpected answers are received.”

The Examiner rejected claim 29 on the same basis as claims 1, and 3-15. The remarks and arguments with respect to claim 1 above are equally applicable to claim 29, and are herein incorporated. Accordingly, Applicant respectfully requests that the rejection of claim 29 under 35 U.S.C. 103(a) be withdrawn.

#### **Claims 30-39**

Claims 30-39 depend on independent claim 29 and must be patentable over the stated references for the same reasons argued regarding claim 29. Accordingly, Applicant respectfully requests that the rejection of claims 30-39 under 35 U.S.C. 103(a) be withdrawn.

#### **Independent Claim 40**

Independent claim 40 recites, *inter alia*, “a question optimization module adapted for structuring a sequenced optimized question set having at least one question asked of all users that is selectively displayable to the user, the sequenced optimized question set being structurable based at least in part on answers received from the user interface and on predetermined single expected answers associated with the questions associated with the received answers, wherein the sequenced optimized question set comprises the minimum number of questions that must be answered to comply with the regulatory criteria, and wherein the question optimization module is adapted to supplement the sequenced optimized question set with additional questions from an overall question set after receiving answers from the user that differ from the expected answer to comprise the minimum number of remaining questions that must be answered in order to comply with the regulatory criteria.”

The Examiner rejected claim 40 on the same basis as claims 1, and 3-15. The remarks and arguments with respect to claim 1 above are equally applicable to claim 40, and are herein incorporated. Accordingly, Applicant respectfully requests that the rejection of claim 40 under 35 U.S.C. 103(a) be withdrawn.

#### **Claims 41-49**

Claims 41-49 depend on independent claim 40 and must be patentable over the stated references for the same reasons argued regarding claim 40. Accordingly, Applicant respectfully requests that the rejection of claims 41-49 under 35 U.S.C. 103(a) be withdrawn.

#### **Independent Claim 50**

Independent claim 50 recites, *inter alia*, “displaying at least one question asked of all users and having an associated single expected answer, the at least one question having been selected from an overall question set comprising all possible questions for which answers may be required in order to comply with the regulatory criteria, wherein the at least one question comprises the minimum number of sequenced questions the answers to which would be sufficient to meet the regulatory criteria if no unexpected answers are given.”

The Examiner rejected claim 50 on the same basis as claims 1, and 3-15. The remarks and arguments with respect to claim 1 above are equally applicable to claim 50, and are herein incorporated. Accordingly, Applicant respectfully requests that the rejection of claim 50 under 35 U.S.C. 103(a) be withdrawn.

#### **Claims 51-53**

Claims 51-53 depend on independent claim 50 and must be patentable over the stated references for the same reasons argued regarding claim 50. Accordingly, Applicant respectfully requests that the rejection of claims 51-53 under 35 U.S.C. 103(a) be withdrawn.

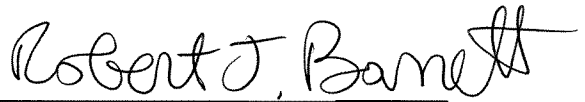
#### IV. CONCLUSION

For at least the reasons set forth above, the Applicant respectfully submits that claims 1 and 3-53 are in condition for allowance. The Applicant therefore requests that the Application be allowed and passed to issue.

Should the Examiner believe anything further is desirable in order to place the Application in even better condition for allowance, please contact the Applicant's undersigned representatives.

Respectfully submitted,

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